

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

FILED

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UNITED STATES OF AMERICA

v.

CASE NO.: 8:03-CR-77-T-30-TBM

SAMI AMIN AL-ARIAN,
SAMEEH HAMMOUDEH,
GHASSAN ZAYED BALLUT,
HATIM NAJI FARIZ

GOVERNMENT JUROR QUESTIONNAIRE

The Court directed that the parties prepare a Juror Questionnaire. Attached is the submission of the Government. It is drafted in contemplation of an anonymous jury although that matter is not before the Court at this time.

Respectfully submitted,

PAUL I. PEREZ
United States Attorney

By:


WALTER E. FURR, III
Assistant United States Attorney
Florida Bar No. 288470
400 North Tampa Street, Suite 3200
Tampa, Florida 33602
Telephone: (813) 274-6000
Facsimile: (813) 274-6108

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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA	:	
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v.	:	CASE NO.: 8:03-CR-77-T-30-TBM
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SAMI AMIN AL-ARIAN,	:	
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HATIM NAJI FARIZ	:	

JUROR QUESTIONNAIRE

General Instructions:

This questionnaire is designed to help simplify and expedite the jury selection process. Although some of the questions may appear to be of a personal nature, please understand that the Court and the parties must learn enough information about each juror's background and experiences to select a fair and impartial jury.

Please answer all the questions, to the best of your ability. If you have any questions write them on the form. If you don't know the answer to a question then write, "I don't know." There are no "right" or "wrong" answers; only truthful answers. Do not discuss the case or your answer with anyone. It is important that the answers be yours alone. Remember, you are sworn to give true and complete answers to all questions. After reading your questionnaire, Judge Mullen as well as some of the lawyers may personally interview you, and give you the opportunity to discuss your answers.

During your jury service, the Judge and the parties will not know your name. They will know you only by your juror number. Selecting an anonymous jury is not an unusual practice, and has been followed in many cases in Federal Court. Anonymity will deter curiosity that might infringe on your privacy. Accordingly, do not reveal any information in the questionnaire that could be used to identify you, such as your employer's name or your address.

Use **black pen** only. Blue ink will not copy.

Do not write on the back of any page, only the front pages will be copied. If you need additional space to complete an answer, write "continued" and go to the blank pages at the back of the questionnaire, indicate the number of the question, and continue your answer.

Juror No. _____

JUROR QUESTIONNAIRE

(1) Hardship question:

The Court and the parties estimate that the trial in this case will last approximately six (6) months. Jurors will be paid an attendance fee of \$40 per day for the first 30 days of trial, and \$50 per day thereafter. Lunch will be provided daily, and your transportation costs will be reimbursed.

Jury service is one of the highest duties and privileges of a citizen. The participation of people like yourself is essential to the proper administration of justice. The Court recognizes that not everyone can serve on a case of this length. However, mere inconvenience or the usual financial hardships of jury service will not be enough to excuse you. You must show that service in this case would cause an unacceptable amount of personal hardship.

Would you have a serious hardship if chosen for this case?

_____ **YES,** I would have a serious hardship if chosen for this case. Please answer the questions below, and fully explain your hardship. You must still complete the entire questionnaire.

_____ **NO,** I would have not have a serious hardship if chosen for this case. Please move on the next section of the questionnaire.

If **YES**, please explain the hardship, and list your current occupation. Describe the type of job and business without giving details of your employer's name or address. For example, simply list "receptionist, "business executive", "school teacher" or "self-employed/freelance". If you are retired or unemployed, please indicate that fact and list your previous occupation. Please write legibly.

Occupation: _____ Your Age: _____

Are you self-employed? _____ Are you retired? _____

Will you be paid your salary while you serve jury duty? _____

What is your hardship? _____

The Nature of an Indictment

An indictment is merely an accusation. It is proof of nothing. You may draw no inference against any defendant from the fact that he has been indicted. Each defendant has pleaded "not guilty" to each of the charges against him and is presumed to be innocent. A defendant does not have to prove anything. The Government bears the burden of proving the guilt of a defendant beyond a reasonable doubt.

In this case, there are several defendants. The defendants are charged in different counts of the indictment. Not all defendants are charged with the same offenses. The indictment charges numerous offenses: conspiracy to commit racketeering, conspiracy to murder, maim or injure persons at places outside the United States; conspiracy to provide material support to a designated foreign terrorist organization; conspiracy to make and receive contributions of funds, goods, or services to or for the benefit of specially designated terrorists; travel in interstate or foreign commerce or use of the mail or any facility in interstate or foreign commerce with the intent to commit any crime of violence to further any unlawful activity or otherwise promote, manage, establish, carry on and facilitate the promotion, management, establishment and carrying on of unlawful activity; attempt to procure citizenship or naturalization unlawfully; making a false statement in an immigration application; obstruction of justice and, perjury.

The indictment alleges the defendants, as a group, engaged in unlawful activity. While other people were allegedly involved, only several defendants are on trial in this case. Each of the accused is entitled to separate consideration and the case against each person must be decided individually

PERSONAL BACKGROUND

1. What is your age? _____

2. Are you: Male _____ Female _____
3. Do you have any problem with your hearing or vision that would make it difficult for you to serve as a juror?
- Yes _____ No _____
4. Do you have any medical condition that would make it difficult for you to serve as a juror on this case?
- Yes _____ No _____
5. Are you taking any prescription medication that may interfere with your ability to concentrate or serve as a juror in any way?
- Yes _____ No _____
6. What is your place of birth? (Please list only the city and state, and, if outside the United States, the country.)
- _____
7. Are you (check one)
- Married _____
- Single _____
- Living with another person as a couple _____
- Divorced/Separated _____
- Widow/Widower _____
- (a) If married, what is the ethnic background of your spouse?
- _____
8. What county do you live in? _____

9. Do you read a newspaper regularly (at least two or three times a week)?

Yes _____ No _____

If yes, list the names of the newspapers you read and indicate how often you read each newspaper.

Name of Newspaper	Once a Week	2-3 times a week	More than 4 times a week	Daily	Sunday Only

10. Do you watch any television newscasts on a regular basis?

Yes _____ No _____

If yes, which ones? _____

11. Is English your first language?

Yes _____ No _____

12. What other languages do you speak, read or understand?

13. Are you, your spouse or a former spouse a naturalized U.S. Citizen?

Yes _____ No _____

If yes, please tell us who and when they became a citizen. _____

14. Do you speak Arabic (or any dialect of Arabic) or did you grow up in households where the Arabic language or any of its dialects were spoken?

Yes _____ No _____

- (a) If you speak, read or understand the Arabic language (or any of its dialects), would you have any difficulty relying solely upon the official interpreter's translation of testimony, and witnesses' translations of Arabic language evidence?

Yes _____ No _____

15. Are you: ☐ Employed full-time ☐ Retired
 ☐ Employed part-time ☐ Student
 ☐ Homemaker ☐ Disabled & unable to work
 ☐ Unemployed/laid off

- (a) Without telling us the name of your employer, what kind of work do you do? (For example: Electric Utility, maintenance; teacher/high school)

- (b) If retired or unemployed, what type of work had you been doing?

- (c) If homemaker or student, please tell us what jobs outside the home (if any) you have had in the past year:

16. What is (was) your job title?

- (a) What are (were) your duties on that job?

- (b) Do (did) you supervise others in that job?

Yes _____ No _____

If yes, how many? _____

17. Do you have a second job?

Yes _____ No _____

If yes, what do you do? _____

18. How many children do you have, if any? _____

19. Are your children are in school?

Yes _____ No _____

20. List the gender, age and occupation of each employed child:

Gender	Age	Occupation

21. If you have ever been married, list your spouse's most recent type of work

22. Do you have any close friends or relatives who are employed by the United States Department of State, Internal Revenue Service, Immigration and Naturalization Service, U.S. Customs, Federal Bureau of Investigation (F.B.I.) or any other agency of the U.S. Government?

Yes _____ No _____

If yes, please explain: _____

23. What is the highest grade of schooling you have completed?

- ☐ 8th grade or less
☐ Some high school
☐ High school graduate

- ☐ Community college
☐ Some four-year college
☐ College graduate
☐ Post graduate

24. Please describe generally what type of civic, educational, professional, sports, business, religious or political activities you participate in: _____

25. List any organizations to which you belong. Please do not write anything that would reveal your identity. (For example, "PTA President," not "PTA President, South High School") _____

Please tell us your role in the organization: _____

26. Do you have any family, relatives or close friends in the military who are currently or were formerly stationed in the Middle East?

Yes _____ No _____

If yes, where is, or was that person stationed? _____

27. If you, a family member or close friend served in the military, were they ever in a combat situation?

Yes _____ No _____ Don't Know _____

If yes, please tell us where and when: _____

(a) Has a family member, close friend or acquaintance been injured or killed while serving in a combat or military zone in the Middle East?

Yes _____ No _____

28. How closely have you followed the media coverage of the conflict between Israel and the Palestinians?

Very closely _____
Somewhat closely _____
Not too closely _____

(a) If you have followed the media coverage of this event, based on what you have heard or read, have you formulated any opinions about the nature of this conflict?

Yes _____ No _____

29. The Government is represented in this case by the United States Attorney, Paul I. Perez, though the conduct of the case is in the immediate charge of the Government attorneys appearing in the courtroom. Do you or does any relative or close friend know or have any connection with Paul I. Perez?

Yes _____ No _____

30. Do you or does any relative or close friend know or have any connection with any of the following persons who will be seated at the counsel table for the government?

Assistant United States Attorney Walter E. Furr, III
Assistant United States Attorney Terry A. Zitek
Trial Attorney, U.S. Department of Justice, Cherie L. Krigsman
Special Agent Kerry Myers, Federal Bureau of Investigation

Yes _____ No _____

- (a) Have you seen, heard or read anything about any of these individuals?
This includes not only the media, but anything you may have heard from friends, relatives, or co-workers.

Yes _____ No _____

- (b) What have you seen, heard or read? _____

31. Do you or does any relative or close friend know or have any connection with any of the defendants?

Sami Amin Al-Arian	Yes _____	No _____
Sameeh Hammoudeh	Yes _____	No _____
Ghassan Zayed Ballut	Yes _____	No _____
Hatim Nati Fariz	Yes _____	No _____

- (a) What connection do you/they have with the individual(s)? _____

(b) Have you see, heard or read anything about any of the defendants? This includes not only the media, but anything you may have heard from friends, relatives, or co-workers.

Yes _____ No _____

(c) What have you seen, heard or read? _____

32. Several individuals have been charged in the indictment in this case but will not be defendants in this trial. Do you or does any relative or close friend know or have any connection with any of these defendants?

Ramadan Abdullah Shallah Yes _____ No _____

Bashir Musa Mohammed Nafi Yes _____ No _____

Muhammed Tasir Hassan Al-Khatib Yes _____ No _____

Abd Al Aziz Awda Yes _____ No _____

(a) Have you seen, heard or read anything about any of these defendants? This includes not only the media, but anything you may have heard from friends, relatives, or co-workers.

Yes _____ No _____

(b) What have you seen, heard or read? _____

33. (a) Do you or does any relative or close friend know or have any connection with any of the following defense lawyers or their staff:

Attorneys

Daniel M. Hernandez	Yes _____	No _____
Bruce G. Howie	Yes _____	No _____
Donald E. Horrox	Yes _____	No _____
Roland Fletcher Peacock	Yes _____	No _____

- (b) If you answered yes to any of the names above, describe your connection to this individual(s)? _____

- (c) Have you seen, heard or read anything about any of these attorneys or their staff? This includes not only the media, but anything you may have heard from friends, relatives, or co-workers.

Yes _____ No _____

- (d) What have you seen, heard or read? _____

34. The judge who will preside over this case is The Honorable James S. Moody of the United States District Court for the Middle District of Florida. Do you or does any relative or close friend know or have any connection with Judge Moody or any of his staff?

Yes _____ No _____

35. Have you seen, heard or read anything about this case?

Yes _____ No _____

36. Is there anything you have seen, heard, or read about that would interfere with your ability to render a fair verdict in this case based solely on the evidence presented in court?

Yes _____ No _____

37. Have you formed an opinion as to the innocence or guilt of any of the defendants in this case?

Yes, I have formed an opinion _____

No, I have not formed an opinion _____

38. This case is likely to receive ongoing media attention. The Court wants to make sure that this case is decided solely on the evidence in the courtroom and not based on things that are said outside the courtroom. Accordingly, the Court will be advising you periodically that you must avoid reading about the case in the newspapers or listening to any radio or television reports about the case. The Court will also advise you periodically that you must avoid discussing this case with friends or family during the course of the trial. Would these requirements pose any difficulty for you?

Yes _____ No _____

EXPERIENCE WITH COURTS

39. Have you ever:

(a1) Served as a juror in a civil case?

Yes _____ No _____

(a2) Served on a grand jury?

Yes _____ No _____

(a3) Served as a juror in a criminal case?

Yes _____ No _____

(a4) Have you ever been a juror in a case where the jury was unable to reach a verdict?

Yes _____ No _____

- (b) If you have served on a jury, please list below (1) the approximate date(s); (2) whether you served in state court or federal court; (3) whether it was a grand jury or a trial jury; (4) whether it was a criminal case or a civil case; (5) what the general nature of the case was (for example, robbery, murder, contract, negligence, medical malpractice, etc.); and (6) whether or not a verdict was reached. If so, do not state what the verdict was.

(1) Date	(2) State or Federal Trial Jury	(3) Grand Jury or Trial Jury	(4) Criminal or Civil	(5) Nature of Case	(6) Was there a Verdict?

If you need additional space to complete this or any other answer, please write "continued," go to the blank pages at the back of the questionnaire, indicate the number of the question, and continue your answer.

40. Have you, any family members or close friends ever worked for any federal, state or local law enforcement agency?

Yes _____ No _____

If yes please tell us who, what agency, how long and the highest rank achieved.

41. Do you personally, or in connection with your business, have any pending interest in any legal action or dispute with the United States, or any officer, agents or employees of the United States?

Yes _____ No _____

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If yes, please explain the nature of your interest in such proceedings:

42. Are you a vendor or a contractor for the United States Government or do you work for one?

Yes _____ No _____

43. Some of the defendants are citizens of the United States and some are not. Would you afford each of the defendants the same consideration?

Yes _____ No _____

44. Have you ever attended law school?

Yes _____ No _____

45. Do you have any close friends or relatives who are lawyers or who have attended law school?

Yes _____ No _____

46. Do you or does any relative or close friend work for a criminal lawyer or private investigator?

Yes _____ No _____

47. Do you know anyone who has been connected with the criminal justice system such as: judges, law clerks, court attendants, court clerks, other types of court personnel, probation officers, or persons connected with any penal institution, jail or penitentiary?

Yes _____ No _____

48. Do you believe that you, a member of your family, or a close friend, has ever been directly or indirectly affected in any way by a terrorist act or threat?

Yes _____ No _____

49. You may hear testimony in this case concerning the use of accomplices or informants by federal authorities in their investigations. One or more of those individuals may be called to testify in this case and you may learn that some of the individuals have participated in serious crimes. The Court wishes to advise you that there is nothing illegal or improper about the Government using accomplices or informants to investigate a case. Do you have strongly held feelings against the use of informants?

Yes _____ No _____

50. Have you or has a family member or close friend ever been the victim of a serious crime?

Yes _____ No _____

51. There may be evidence in this case consisting of tape recordings of conversations taking place over the telephone through the use of electronic devices commonly known as "wiretaps." Before received in evidence, the Court will have ruled that this evidence is lawfully before you. Do you have strongly held views against the use of court authorized tape-recorded conversations?

Yes _____ No _____

52. There may also be evidence obtained from photographic and physical surveillance as well as evidence seized pursuant to lawful searches of various places, including the homes of some of the defendants. Do you have any feelings for or against the use of lawfully conducted surveillance or searches?

Yes _____ No _____

53. We are all aware of the events of September 11, 2001. Can you assure the court you can put aside what you know, have heard, read, or seen about those events and those who are accused of being responsible, and listen to the evidence in this trial in accord with the instructions by the court.

Yes _____ No _____

54. The evidence against each individual charged in this case must be considered separately, leaving out of consideration entirely any evidence admitted solely against other defendants. Can you give each individual charged in this case, separate and personal consideration?

Yes _____ No _____

55. At the conclusion of the case it is the Court's task and duty to charge you on the law and explain to you the elements of the crimes charged in the indictment. Do you have personal, religious, philosophical or other beliefs as to what the law is or should be that would make it difficult for you to follow the instructions of the Court?

Yes _____ No _____

56. Is there anything about the nature of the charges in this case that would affect your ability to fairly evaluate the evidence regarding whether or not the government has proven the guilt of the defendants beyond a reasonable doubt?

Yes _____ No _____

If yes, please explain: _____

57. Is there any reason that you could not be completely fair and impartial to the defendants in this case?

Yes _____ No _____

58. Is there any reason that you could not be completely fair and impartial to the Government in this case?

Yes _____ No _____

If you answered either part of the question "yes," please explain:

59. Is there any matter not covered by this questionnaire that you feel you should tell us about?

Yes _____ No _____

If yes, please explain: _____

JUROR NUMBER _____

DATE _____

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent by facsimile and U.S. mail this 4th day of August, 2003, to the following:

Mr. Sami Amin Al-Arian
Register No. 40939018
Federal Correctional Institute
846 NE 54th Terrace
Coleman, Florida 33521-1029
Pro Se

Daniel Mario Hernandez, Esquire
902 North Armenia Avenue
Tampa, Florida 33609
Counsel for Sameeh Hammoudeh

Bruce G. Howie, Esquire
5720 Central Avenue
St. Petersburg, Florida 33707
Counsel for Ghassan Zayed Ballut

Donald E. Horrox, Esquire
Federal Public Defender's Office
400 North Tampa Street
Suite 2700
Tampa, Florida 33602
Counsel for Hatim Naji Fariz



WALTER E. FURR, III
Assistant United States Attorney